

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

United States of America,

Criminal No. 06-266(1) (DWF/JSM)

Plaintiff,

v.

**ORDER AND MEMORANDUM**

Paris Olhaida Patton,

Defendant.

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Andrew R. Winter and James S. Alexander, Assistant United States Attorneys,  
United States Attorney's Office, counsel for Plaintiff.

Katherine Menendez, Assistant Federal Defender, Federal Defender's Office, counsel for  
Defendant.

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Paris Olhaida Patton has moved, pursuant to 18 U.S.C. § 3582(c), for a sentencing reduction under the revised and retroactive amendments to the United States Sentencing Guidelines applicable to crack cocaine cases.

Based upon the submissions of the parties and the Court having reviewed the contents of the file in this matter, including the sentencing proceeding in this case, and being otherwise duly advised in the premises, the Court hereby enters the following:

## ORDER

1. Defendant Paris Olhaida Patton's motion for a reduction of his sentence pursuant to the revised and retroactive amendments to the United States Sentencing Guidelines (Doc. No. 56) is respectfully **DENIED**.

Dated: October 8, 2008

s/Donovan W. Frank  
DONOVAN W. FRANK  
Judge of United States District Court

## MEMORANDUM

While the Court concurs in the analysis of the Government that the mandatory minimum was 120 months at the beginning of the case, and remained 120 months notwithstanding the Government's motion pursuant to § 5K1.1 of the United States Sentencing Guidelines and 18 U.S.C. § 3553(e), it is in large part academic because utilizing the applicable sentencing factors set forth in 18 U.S.C. § 3553(a), the Court respectfully declines to reduce the sentence from 32 months to 26 months.

The Court observes that the Defendant is eligible for release on November 7, 2008, but prior to that time will transfer to a halfway house. Hopefully, Defendant will have a successful transition from prison to the community within which he chooses to live. For that reason, the Court wishes the Defendant good luck in the transition.

For the reasons stated, the Court has respectfully denied Defendant's motion for a reduction.

D.W.F.